

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on April 8, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Dennis A. Kramer  
Lawrence Littman  
Cindy Pennington  
Robert Schultz  
Walter Storrs  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Absent:

Gary Chamberlain

Also Present:

Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Richard K. Carlisle, Carlisle/Wortman Associates  
Kathy Czarnecki, Recording Secretary

**Resolution**

Moved by Schultz

Seconded by Vleck

**RESOLVED**, that Mr. Chamberlain be excused from attendance at this meeting.

Yeas

All present (8)

Absent

Chamberlain

**MOTION CARRIED**

2. PUBLIC COMMENTS

There was no one present who wished to speak.

**SITE CONDOMINIUM SITE PLAN**

3. **SITE PLAN REVIEW** – Proposed Maplewood Site Condominium, 14 units proposed, South side of South Boulevard, West of Rochester Rd., Section 3 – R-1C

Mr. Savidant presented a summary of the Planning Department report for the proposed Maplewood Site Condominium development. Mr. Savidant stated the applicant is proposing a 14-unit site condominium on approximately 5.2 acres with road access from South Boulevard and Amberwood Drive to the west. The applicant, at the request of the Planning Department, provided two alternate layouts for the development. Alternate 1 would provide a connection with South Boulevard but not an interconnection to the east or west. Alternate 2 would provide interconnection to the west and a stub street to the east but no connection to South Boulevard. Mr. Savidant stated that both alternatives would provide 14 units, and noted that the Planning Department prefers the submitted site plan, with a connection to South Boulevard and Amberwood Drive.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Preliminary Site Condominium application as submitted.

The petitioner, Anton Camaj of 3313 Oxford West, Auburn Hills, was present. Mr. Camaj stated that his preference in layouts would be the submitted site plan.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

**Resolution**

Moved by Vleck

Seconded by Wright

***RESOLVED***, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 11.00.00 of the Zoning Ordinance (R-1C One Family Residential District) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Maplewood Site Condominium, 14 units proposed, located on the south side of South Boulevard and west of Rochester Road, Section 3, within the R-1C zoning district, be approved.

**Yeas**

All present (8)

**Absent**

Chamberlain

**MOTION CARRIED**

**STREET VACATION REQUESTS**

4. **PUBLIC HEARING – STREET VACATION REQUEST (SV-181)** – Rhode Island Drive, between Orpington and Big Beaver, abutting Lots 12 and 13, and 40 and 41 of Big Beaver Poultry Farms Subdivision, North of Big Beaver, East of John R, Section 24 – R-1E

Mr. Savidant presented a summary of the Planning Department report for the proposed Street Vacation Request. Mr. Savidant provided a history of the right-of-way and stated the applicant must vacate the platted right-of-way prior to Final Condominium Approval. Mr. Savidant noted the petitioner received a recommendation for Preliminary Condominium Approval from the Planning Commission on March 11, 2003. Mr. Savidant recommended the City retain an approximate 12-foot wide public walkway between Orpington Road and the Rhode Island Estates Site Condominium to provide a non-motorized connection between Orpington Road and Big Beaver.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the street vacation request with conditions that the City retain a 12-foot wide public walkway between Orpington Road and Rhode Island Estates Site Condominium and the road right-of-way be dedicated to the City of Troy.

The petitioner, Victor DeFlorio of 3609 Cedar Brook Rochester Hills, was present. Mr. DeFlorio commented that the existing right-of-way is a through street from Big Beaver to Orpington, and it is his desire to restrict the through traffic. Mr. DeFlorio said he has no problem with the conditions stipulated by the Planning Department.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED**

Mr. Wright questioned if the two property owners to the south of Orpington are aware that they will be receiving a portion of the right-of-way.

Mr. Savidant responded that Public Hearing notices were sent to affected residents and City Council conditioned the approval of the Rhode Island Estates Site Condominium development on the provision of pedestrian access to Orpington. Mr. Savidant confirmed that the City would control approximately 12 feet of the public walkway. The remaining 38 feet of the right-of-way would be split at an offset between the two property owners. Mr. Savidant stated it is the applicant's responsibility to provide a parcel description for the walkway.

**Resolution**

Moved by Kramer

Seconded by Pennington

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted for the Rhode Island Drive right-of-way, between Orpington and Big Beaver, located within the Big Beaver Poultry Farms Subdivision, abutting lots 12 and 13 and 40 and 41, being approximately 636 feet in length and 50 feet in width, in Section 24, be approved subject to the following conditions:

1. The City retains a 12-foot wide public walkway between Orpington Road and Rhode Island Estates Site Condominium, as illustrated on the Rhode Island Estates Site Condominium Plan, which received a recommendation for approval by the Troy Planning Commission on March 11, 2003.
2. Road right-of-way to be dedicated to the City of Troy to enable the development of Rhode Island Estates Site Condominium.

**Yeas**

All present (8)

**Absent**

Chamberlain

**MOTION CARRIED**

5. **PUBLIC HEARING – STREET VACATION REQUEST (SV-180)** – East ½ of Alger Street, between Lots 463 and 464 of John R Gardens Subdivision, South of Birchwood, West of John R, Section 26 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed street vacation request.

Mr. Savidant reported that it is the recommendation of the Planning Department to deny the street vacation request as submitted. Mr. Savidant stated that if the eastern half of Alger Street were to be vacated, the resulting 25 foot wide right-of-way would become a substandard width for a City street. The ordinance requires that any parcel of land zoned in a classification other than One-Family or Two-Family Residential have access to an approved public street that has been accepted for maintenance by the City. Mr. Savidant stated that a representative of the Department of Public Works indicated that the City would not accept maintenance of a substandard street that was only 25 feet in width. In addition, Mr. Savidant stated the street vacation would effectively land lock two parcels fronting on Chopin Street.

Mr. Vleck referenced the smaller lot on Chopin that has access to Birchwood and asked if that road is currently maintained.

Mr. Savidant responded that to the best of his knowledge, the road is maintained.

Mr. Vleck asked if the lot was sold, and a new site plan came in requesting to put up a separate structure on the lot, could the structure be approved if there was no access to a road acceptable for maintenance by the City.

Mr. Savidant responded in the negative. Mr. Savidant said that if, in the future, the property owner merged the two lots and the adjoining lots were also merged resulting in all the parcels having frontage on Birchwood, that section of Alger and all of Chopin could be vacated because all the lots would have access.

Ms. Pennington questioned the reasons that portions of Chopin have been vacated.

Mr. Savidant responded that meeting minutes reflect additional room was needed to expand parking on the portion north of the Coney Island restaurant, and the City wanted to purchase right-of-way along Maple Road. Mr. Savidant said he does not know the reason for vacating the portion of Chopin to the east.

Mr. Wright gave a history of the original plan for the subdivision. He said redevelopment was encouraged for the small, run-down subdivision by promoting consolidation of parcels by vacating every other east-west street going up John R. This was to allow consolidation for sites that were buildable for light industrial use. It was further planned to vacate every other north-south street, subject to the consolidation of parcels.

The petitioner, Dennis Coleman of 1448 Madison Drive, Troy, was present. Mr. Coleman stated at the time he purchased the home at 1906 Birchwood, it was his understanding that this portion of Alger was vacated. He since has learned that there is a discrepancy between the documents recorded in Oakland County and City documents. Mr. Coleman asked for direction from the Commission.

A brief discussion followed.

Ms. Lancaster advised Mr. Coleman to retain an attorney for possible action to recoup money paid for the property that was not titled to him.

Mr. Savidant commented there have been previous requests submitted to the Planning Department that are located in this area and similar issues have been raised.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

**Resolution**

Moved by Waller

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends that the street vacation request, as submitted, for the east ½ of the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 463 and 464, being approximately 120 feet in length and 25 feet in width, in Section 26, be tabled to the May 13, 2003 Regular Meeting, to allow time for clarification with respect to the discrepancy between City and County records.

**FURTHER RESOLVED**, that the Planning Department provide enlarged drawings of the area that very clearly and accurately show pieces of Alger and Chopin and any other affected properties for the May 13, 2003 Regular Meeting.

**FURTHER RESOLVED**, that the Planning Department investigate and report its findings if the Department of Public Works provides maintenance to Chopin.

**Yeas**

All present (8)

**Absent**

Chamberlain

**MOTION CARRIED****SITE PLANS**

6. **SITE PLAN REVIEW (SP-866)** – Proposed River Bend Condominium, One Family Residential Cluster Development, 10 units proposed, South side of Long Lake, West of Rochester Road, Section 15 – CR-1

Mr. Savidant presented a summary of the Planning Department report for the proposed River Bend Condominium.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Preliminary Site Plan with conditions that the berm along Long Lake Road be designed and landscaped and final approval of the application is subject to approval by City Council of a 40-foot wide Private Street Easement for public access for River Bend Trail.

Mr. Savidant confirmed that wetlands delineation and previous stipulations relative to the previous approval are consistent and reflected in the current plan. He confirmed there would be a wetlands permit required from the MDEQ.

Ms. Lancaster stated that the filing of condominium documents with the Register of Deeds and the filing of a Master Deed with the City would be required, and noted that the documents could not be changed without a vote of the condominium

association. Ms. Lancaster said the documents would provide wetland protection for the condominium residents.

At the request of Ms. Pennington, Mr. Savidant provided a brief history as to how the property became zoned CR-1.

Chairman Littman questioned if the City is responsible for the maintenance of the berm along Long Lake Road.

Mr. Savidant replied the condominium association would have the responsibility of maintaining the berm per the standard quality requirements.

The petitioner, Joe Maniaci of 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci confirmed the wetlands are delineated and protected by the MDEQ and noted the existing wetlands have been maintained as approved previously by the Planning Commission. Mr. Maniaci stated there would be additional common elements around the existing wetlands that would be recorded in the Master Deed. Mr. Maniaci stated the changes from the previous plan are a lower density and the provision of a cul-de-sac in lieu of a stub street.

Mr. Kramer questioned snow removal.

Mr. Maniaci responded that cleared snow would be placed around the cul-de-sac, similar to any other subdivision street, and noted there would be enough room to also maintain clear sidewalks.

Ms. Pennington questioned the slope on the detention basis.

Mr. Maniaci responded the slope would be 1 on 6 and there would be no fence.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

### **Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as River Bend Site Condominium, 10 units proposed, located on the south side of Long Lake Road and west of Rochester Road, Section 15, within the CR-1 zoning district, be approved subject to the following conditions:

1. The berm along Long Lake Road shall be designed and landscaped according to the standards of Section 11.50.04.
2. That the condominium bylaws allocate for the removal of snow from the cul-de-sac so as the sidewalk immediately adjacent to the street remains clear.
3. That the drawing reflects the slope on the detention pond to be 1 on 6.

***FURTHERMORE***, that the Planning Commission hereby recommends to City Council that the private street system proposed to serve the River Bend Site Condominium, be approved in accordance with the Preliminary Site Plan presented on this date and in accordance with the provisions of Section 11.50.06 of the Zoning Ordinance, subject to the provision of street, sidewalk, and utility easements as determined to be necessary by City Management.

Yeas

All present (8)

Absent

Chamberlain

**MOTION CARRIED**

7. SITE PLAN REVIEW (SP-889) – Proposed Medical Office Building, Michigan Clinic for Facial Pain, Southeast corner of Orpington and John R, Section 24 – Consent Judgment

Mr. Savidant presented a summary of the Planning Department report for the proposed medical office building.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the Planning Commission recommending that the Consent Judgment be modified by City Council to permit the 26-foot building height as shown in Option B and the provision of a 5-foot wide concrete sidewalk along Orpington.

Ms. Lancaster stated that the 20-foot roof height limitation stipulated in the Consent Judgment appears to be an oversight. She said the height should have been an averaging of the roof height in which the requested 26-foot elevation would fit in well.

A brief discussion followed with respect to the sidewalk requirement and absolute height of the proposed building.

Phil Lawson of 163 Indian Knolls, Oxford, was present to represent the petitioner. Mr. Lawson said he met with both the Legal and Planning Departments to discuss the issue of the varying height, and it was determined appropriate to request a modification to the Consent Judgment. He stated the Zoning Ordinance reads the



elevation for a building is the mean height of the elevation of the roof, low point to high point. The Consent Judgment reads to the top of the building. Mr. Lawson said the 26-foot elevation falls within that parameter and is actually less than what the mean elevation would be. He confirmed that the absolute peak is 25 feet. Mr. Lawson provided a letter from the property owner to the immediate east stating he is in agreement with the elevation change.

**Resolution**

Moved by Kramer

Seconded by Wright

**RESOLVED**, that the Planning Commission recommends to the City Council that the Preliminary Site Plan Approval for the proposed Medical Office Building, located on the southeast corner of Orpington and John R, Section 24, within the R-1E zoning district but governed by the O-1 zoning district as per a Consent Agreement, be granted, subject to the following conditions:

1. The applicant shall provide a 5-foot wide concrete sidewalk along Orpington, as per Section 39.70.03 of the City of Troy Zoning Ordinance and the Consent Judgment.
2. That the dumpster will be kept in the enclosure, provided that it is not in conflict with the Consent Judgment.
3. That the dumpster height will not be greater than the dumpster screen wall, provided that it is not in conflict with the Consent Judgment.

**FURTHERMORE**, the Planning Commission recommends that the Consent Judgment be modified by City Council to permit a one-story office building not to exceed 26 feet of building height, as shown on the petitioner's Option B sheets as SK-2 and SK-3.

A brief discussion was held with respect to the location of the dumpster in the southeast corner, nearest to the adjacent residential area. There was no determination made as to a better location for the dumpster.

Yeas

Kramer  
Littman  
Pennington  
Schultz  
Vleck  
Waller  
Wright

Nays

Storrs

Absent

Chamberlain

**MOTION CARRIED**

Mr. Storrs voted no on the motion because he objects to the location of the dumpster near the adjacent residential area.

8. SITE PLAN REVIEW (SP-484) – Proposed Industrial Building Addition, Versatube Building, South of Long Lake, West side of Rochester Road, Section 15 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed industrial building addition.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Corey Jacoby of 3132 Martin, Commerce Township, was present. Mr. Jacoby stated that the owner of Versatube wishes to update the building so that it is more fitting within the surrounding area.

**Resolution**

Moved by Storrs

Seconded by Waller

**RESOLVED**, that the Preliminary Site Plan for the Versatube Industrial Building, located on the west side of Rochester Road, south of Long Lake Road, Section 15, within the M-1 zoning district is hereby granted.

Yeas

All present (8)

Absent

Chamberlain

**MOTION CARRIED**

9. SITE PLAN REVIEW (SP-890) – Proposed Industrial Building, North side of Birchwood, West of John R, Section 26 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed industrial building.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Tom Moss of 1180 E. Big Beaver, Troy, was present. Mr. Moss said it is proposed to build their main headquarters at this location. Mr. Moss believes that heating and cooling units would be screened on the rooftop, and noted the building would be constructed similar to other buildings in the area. Mr. Moss said the building would be an improvement to the neighborhood.

Discussion followed with respect to the storm water detention.

Mr. Moss indicated the plan has not yet been engineered, but noted the water would pond on the asphalt pavement in the rear and the underground pipe leading from the rear up to the front and in the front yard setback.

Mr. Storrs encouraged the petitioner to make the front yard as much as an amenity and an attraction as possible.

Mr. Savidant confirmed there were no comments related to storm water retention from the Engineering Department upon its review of the plan.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

### **Resolution**

Moved by Vleck

Seconded by Schultz

**RESOLVED**, that the Preliminary Site Plan for the Moss Industrial Building, located on the north side of Birchwood, west of John R, Section 26, within the M-1 zoning is hereby granted.

### **Yeas**

All present (8)

### **Absent**

Chamberlain

### **MOTION CARRIED**

### **SPECIAL USE REQUEST**

10. **PUBLIC HEARING – SPECIAL USE REQUEST (SU-313)** – Trainers Obedience Center, East side of Troy Court, South of Park, Section 34 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Trainers Obedience Center.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use Approval application and the site plan as submitted subject to cleanup and disposal of all animal waste outside of the building and the provision of joint drive easements along the southern property line.

William Cummings of 2210 E. Livernois, Troy, was present to represent the petitioner, Elerious King, who is the owner. Mr. Cummings confirmed that the

facility would not be a kennel, but said it is an obedience school in the evening and a day care facility during the day.

Lisa Laney of 528 S. Kenwood, Royal Oak, General Manager for Trainers Obedience Center, was also present. Ms. Laney stated that training classes are held in the evenings and on Saturdays, and day care is offered during the day. She confirmed the facility is not a kennel. The hours of operation are 6:30 a.m. to 6:30 p.m. Ms. Laney appreciated the comment with respect to dog excrement and stated that they do their best to keep it cleaned up. Ms. Laney confirmed that there is only one entrance in the front that is accessed via the side driveway from the parking area in the rear.

Mr. Vleck questioned if the Commission could place conditions on the Special Use Approval to stipulate that it cannot board animals overnight or become a kennel operation.

Ms. Lancaster confirmed that the Commission could place conditions on the Special Use based upon the petitioner's representations that animals would not be boarded overnight.

#### PUBLIC HEARING OPENED

Don Moran of 1 Ajay, Madison Heights, was present as an agent for Reliant Management Corporation, which owns several income-producing properties on Troy Court and Park Street. Mr. Moran read a letter from the president of Reliant Management Corporation, Thomas Grimaldi, conveying opposition to the proposed use at 1016 Troy Court as a dog training and day care facility. Mr. Moran commented that Mr. Grimaldi is strongly against the use because he feels it will detract from the property value and his ability to secure a tenant.

Henry Dietz, part owner of the property to the south of the proposed use, 1000 Troy Court, was present. Mr. Dietz stated his objection to the proposed use is related to expansion of the use beyond the day care and training. Mr. Dietz cited a dog facility in Royal Oak that he views as noisy from barking and running dogs and congested with traffic during drop off and pick up times. Mr. Dietz requested that the facility, if approved, be limited to the entire area and that there be no kennel operations or overnight boarding, as well as no fenced area for dog runs. Mr. Dietz said he would like to see the area remain as a prime industrial park.

Kinette Baylis of 5601 Wright, Troy, was present. Ms. Baylis gave a history of the driveway situation. Ms. Baylis stated that she is familiar with the facility's daily operation because she conducts business from the warehouse located to the rear. She confirmed no barking problem exists and the facility is not a disturbance to other tenants.

Lisa Laney of 528 S. Kenwood, Royal Oak, clarified that overnight boarding is not what the facility does nor is it the facility's intent in the future.

**PUBLIC HEARING CLOSED**

**Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that Special Use Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested by the Trainers Obedience Center, for the proposed commercial kennel and accessory use, located on the east side of Troy Court, east of Livernois Road and south of Maple Road, located in section 34, within the M-1 zoning district, is hereby granted, subject to the following conditions:

1. All animal waste outside of the building is to be picked up and disposed of at all times.
2. An eleven (11) foot wide joint drive easement is to be provided along the south property line.
3. Based on testimony of the representative of the applicant, the use is never to be an overnight dog facility on the basis of an overnight kennel.
4. All outside activities be conducted on a leash.
5. No fenced areas constructed outside for dogs and no dogs permitted outside in any fenced areas.
6. The dog training and dog day care operations be restricted to the area as outlined on the submitted site plan.

**Yeas**

All present (8)

**Absent**

Chamberlain

**MOTION CARRIED**

**Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that Preliminary Site Plan Approval, as requested for the Trainers Obedience Center, for the proposed commercial kennel and accessory use, located

east of Livernois Road and south of Maple Road, located in section 34, within the M-1 zoning district, is hereby granted, subject to the following conditions:

1. All animal waste outside of the building is to be picked up and disposed of at all times.
2. An eleven (11) foot wide joint drive easement is to be provided along the south property line.
3. Based on testimony of the representative of the applicant, the use is never to be an overnight dog facility on the basis of an overnight kennel.
4. All outside activities be conducted on a leash.
5. No fenced areas constructed outside for dogs and no dogs permitted outside in any fenced areas.
6. The dog training and dog day care operations be restricted to the area as outlined on the submitted site plan.

Yeas

All present (8)

Absent

Chamberlain

### **MOTION CARRIED**

Chairman Littman requested a 5-minute recess at 9:25 p.m.

The meeting reconvened at 9:32 p.m.

### **PLANNED UNIT DEVELOPMENT PROPOSAL**

11. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21– O-S-C

Mr. Savidant stated the petitioner submitted the application in December 2002 and indicated that negotiations continue with the petitioner. Mr. Savidant noted the Public Hearing has been scheduled per the petitioner's request. The Planning Department's report correlates to the report submitted by the Planning Consultant. Mr. Savidant turned over the floor to Mr. Carlisle, the City's Planning Consultant.

Mr. Carlisle stated that the applicant proposes to build a 13-story office building comprising of 300,869 gross square feet. The building would be served by an attached 5-level parking structure, and noted that one level would be below ground.

Mr. Carlisle said the project is located on a 5.91-acre site. The first floor of the building would contain restaurants and a branch bank. Mr. Carlisle noted that other supportive service uses are possible and the upper floors would be devoted to office use.

Mr. Carlisle highlighted some of the changes since the last plan submission. In addition to the new below-ground level of the garage, Mr. Carlisle noted the parking structure was reduced in width to 190 feet. The northeast entrance to the garage was eliminated, resulting in a larger area of open space. Mr. Carlisle reported the office tower has been reduced in size along its east side to permit a larger truck dock and compactor area. He noted that Wilshire Road has been enlarged to include both right and left turn lanes. Mr. Carlisle said other landscape amenities have been provided, and cited Wilshire Drive and the I-75 right-of-way.

Mr. Carlisle confirmed that the critical issue is the necessity for finding by the Planning Commission that this project does constitute a planned unit development and warrants a significant increase of intensity over the O-S-C district. He noted the current zoning would accommodate approximately 177,000 to 180,000 square feet of office space. Mr. Carlisle said the uses proposed would fit within the O-S-C district. Mr. Carlisle said the primary thrust of the applicant's justification for the PUD are factors that are difficult to use as a basis for justification.

Mr. Carlisle said justification provided by the petitioner as building quality and landscaping would normally be provided in a signature building. Mr. Carlisle noted that the traffic improvements are items that are needed because of the impact of the project, not as an additional benefit to the City. Mr. Carlisle said the plan meets portions of the PUD ordinance such as quality development objectives and, to some degree, providing public improvements such as landscaping. Mr. Carlisle said the plan falls short in terms of justification for another 120,000 square feet of building area. Mr. Carlisle said that, in absence of more specific findings by the Commission, the plan would be a very low bar for many other properties along Big Beaver that wish to simply intensify the use of the property. Mr. Carlisle said there are improvements that can be done, but at this point the plan has not met them. Mr. Carlisle said a recommendation could not be made that the plan warrants meeting the PUD ordinances.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. He said he was appreciative of the Planning Consultant's remarks and being present for the evening meeting. Mr. DiMaggio introduced Peter Burton (President, Burton Katzman), Jim Butler (Professional Engineer Associates), John Barker (Hobbs & Black) and Sergio D'Amico (Sterling Bank).

Mr. DiMaggio focused the presentation on meeting the City's PUD criteria with assistance of visual aids.

Development Quality – Mr. DiMaggio said a quality project would be delivered. It would be a signature office building on a signature site. Mr. DiMaggio said that the site is probably the best office location in metropolitan Detroit and it will compete with the best buildings in Detroit for tenants. Mr. DiMaggio stated that he is working with the Planning Department to put together a materials board so a comparative analysis of the quality and detail for the proposed project can be made with other significant office buildings.

Intent to Meet Master Plan Objectives – Mr. DiMaggio stated that the proposed project is within the Master Plan's defined area. Further, Mr. DiMaggio said that a tax base analysis of three scenarios confirms a tax base generation that would optimize revenue opportunities. The proposed project incorporates other services within the building, such as two signature restaurants, a bank, and other ancillary services, that would comprise anywhere between 20,000 to 40,000 square feet. Mr. DiMaggio said the proposed project would aesthetically integrate into the existing land use pattern.

Optimizing Uses of Office Area – Mr. DiMaggio provided a history of the property's assemblage and a comparison of density for different stages of the property assemblage. He stated that the proposed density remains 77,000 square feet below what could have been developed, and noted that there is a transition to the density. Mr. DiMaggio said there is a transition of uses that make sense as opposed to what could have been developed absent the deed restrictions and absent the PUD.

Mixture of Uses – Mr. DiMaggio acknowledged that all of the proposed uses fall within the zoning classification of O-S-C, but noted the proposed uses would bring life and vitality to the site. Mr. DiMaggio said the pedestrian relationship with Big Beaver Road would be unlike any other that has been established along that road. Restaurants as well as a fountain in the plaza orient toward Big Beaver.

Public Improvements – Mr. DiMaggio said there is a commitment to provide a gateway treatment for the I-75 interchange, and noted that there is a good indication from MDOT to its cooperation in achieving the gateway that the City envisions once it is further defined. Mr. DiMaggio stated that the proposed plan includes landscaping of Wilshire Boulevard from Big Beaver north to where the road turns and goes westerly to Crooks Road.

Alleviate Traffic Congestion – Mr. DiMaggio confirmed that a traffic study has been completed and reviewed by the City's Traffic Engineer. The Traffic Engineer has indicated agreement with the proposal to make a right-hand turn lane off of Big Beaver on to Wilshire, which results in a widening of the Michigan U-turn on Big Beaver for westbound to eastbound traffic. Mr. DiMaggio said there are a vast number of signal timing changes that have been proposed.

Promote Redevelopment in Elimination of Obsolete Uses – Mr. DiMaggio stated that the site, although surrounded by developed office building of stature, is vacant



and is sometimes used for truck storage, cement batching plants, and other temporary, so-called blight uses. Mr. DiMaggio said it is time to bring the valuable, centrally located piece of property to market for a good use.

Provide a Variety of Housing Types – Mr. DiMaggio acknowledged that the proposed project does not meet this criteria.

Overcoming Obstacles in an Assemblage – Mr. DiMaggio referred to the 2.5 years of negotiation with Magna Corporation to overcome several obstacles for the assemblage of the property.

Mr. DiMaggio requested an indication from the Commission that the proposed project meets the PUD criteria, and noted their willingness to continue to work with the Planning Department and Commission on plan details.

Mr. Kramer commented that personally he feels the proposal is a good product and he would like to be provided the details and quality of the development.

Mr. Wright agreed that the proposal appears to be a good product. He said he would like to be provided more detailed items that point toward the PUD ordinance criteria. Mr. Wright noted that the proposed landscaping at I-75 and Wilshire Boulevard is an excellent improvement and gave a thumbs-up on the change in the parking deck.

Mr. Storrs noted his appreciation to the petitioner with respect to the density discussion on the Magna Corporation property. Mr. Storrs noted that same logic could be applied to other parcels in Troy that were not developed to the full intensity allowed by the ordinance, and stated that the density analogy is out of the equation. Mr. Storrs views the proposal as nearly doubling the density on the property and said that the well-developed proposal is not adequate to justify doubling the density.

Mr. Vleck stated that tonight's presentation clarified to him that the proposal is a good signature product for the City and he would like to see the details and quality of the building materials. Mr. Vleck said the mixed uses contained within the building are definitely a valid argument with respect to the PUD criteria relating to a mixture of uses.

Mr. Waller said he likes what has been presented so far and complimented the substantial steps of progress the petitioner has taken. He recommended the petitioner present the various density numbers in a more user-friendly fashion. Mr. Waller encouraged the petitioner to continue to work with Mr. Sharp and other neighboring residents.

Ms. Pennington complimented the petitioner on an outstanding presentation. She indicated that a look at interior and exterior architectural building materials would steer her final vote. Ms. Pennington recommended that something be put on paper with respect to the City's gateway signage, and further suggested that landscaping

be more focused on the exit I-75 ramp next to the property because she feels the proposed landscaping on the I-75 cloverleaf would not be visible by travelers.

Mr. DiMaggio presented a visual board showing a nighttime shot of the building wherein lights would not be visible from the north and west sides.

Chairman Littman responded to the petitioner's ambiguity on the *Mixture of Uses* criteria and stated from his recollection, the criteria was incorporated to promote creative solutions that would otherwise not be allowed in the zoning.

Mr. Schultz thanked the petitioner for his hard work. He stated based on personal feelings the project would be a go, but noted he is not convinced the proposal is applicable to the PUD ordinance. Mr. Schultz said he is not in agreement to turning off lights on a signature building and believes that the amount of lights proposed would not be in conflict with neighboring residents. Mr. Schultz further recommended that the petitioner do something to the top of garage to make it look less like a shoebox and more like an integrated part of the structure.

Mr. Vleck agreed with Ms. Pennington's comments with respect to landscaping the off-ramp area.

#### PUBLIC HEARING OPENED

Robert Easterly of 908 Emerson, Troy, was present in the capacities of attorney for Wilshire Muer Subdivision, Chairman of the Board for Wilshire Muer Subdivision, and as a representative for both the Washington Square Subdivision and John Sharp. Mr. Easterly gave a brief history of the extensive negotiations with Magna Corporation. He complimented the petitioner and the entire development group for its cooperation and considerations of the subdivisions' concerns. He stated that the two subdivisions and the developers have an agreement that indicates no building erected on parcel 2 shall have any illuminated exterior signage attached to either its northern or western façade. Mr. Easterly said a request has also been made that any lighting in the parking deck would be directed downward. Mr. Easterly requested the petitioner to give consideration to an existing flooding problem in the Wilshire Muer Subdivision, specifically Emerson where it meets Muerknoll in the southwest corner. Mr. Easterly specified that the petitioner has agreed to put \$25,000 worth of landscaping in various corners of the subdivision to improve the development.

Chairman Littman asked for a history of the Magna Corporation deed restrictions.

Mr. Easterly stated Magna Corporation's site plan was very involved and proposed construction of a warehouse and stamping plants. The subdivisions were very much against the proposed plan. The Planning Commission unanimously denied the proposed site plan as submitted. Mr. Easterly said that Magna Corporation then approached the subdivisions with another fairly elaborate proposal of a 3-story

building on the entire parcel. Magna agreed to scale back the project and to put in permanent environmental zones, berming and landscaping. The subdivisions were in agreement and the site plan was recorded with the Register of Deeds. Mr. Easterly explained that the petitioner inherited the deed restrictions with the purchase of a portion of the Magna Corporation property. Mr. Easterly confirmed that currently there is limited expansion capability on the part of Magna Corporation.

Mr. Storrs asked what Mr. Easterly thought would be the public benefits to Troy citizens in light of the fact that the proposed plan nearly doubles the density.

Mr. Easterly said the subdivision residents know development of the vacant property is inevitable. Mr. Easterly confirmed that there was a lot of discussion with the petitioner with respect to the building's height, but noted the proposed plan appears to be a quality project. He noted the subdivisions are comfortable with the proposed plan, otherwise they would not have signed off on the deed restrictions.

Howard Littleson of 901 Wilshire Drive #165, Troy, was present to represent American Realty Advisors. American Realty Advisors owns two office properties at 901 Tower Drive and 901 Wilshire. Mr. Littleson read a letter addressed to Mayor Pryor and signed by Glenn H. Girsberger, Senior Asset Manager of American Realty Advisors, and submitted the letter for filing. The letter is in opposition to the proposed project citing that the new project, in essence, would cannibalize the market and would be a serious detriment to the current landlords within the City. Mr. Littleson clarified the reference to 14.2 million square feet of available space is with respect to the entire market, not just "Class A" office space.

Mr. Vleck questioned if there has been a study on current lease rates and the impact the proposed development would have on other office development.

Mr. Littleson responded that he is certain the petitioner would attempt to attract tenants from outside of the market, and noted the current absorption rate would be affected.

Peter Burton of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton thanked the Commission for the opportunity to present the plan. He said that they have a sense of what the Commission would like and would continue to work with the Planning Department, the administration and the Planning Consultant to bring back an improved product for the next review. Mr. Burton said working together collectively would result ultimately in a project of which everyone would be proud and one that would be an asset to the City of Troy.

Chairman Littman opted to leave the Public Hearing open at this time.

**Resolution**

Moved by Storrs

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby recommended for denial to City Council, for the following reasons:

Mr. Storrs stated the premier development offered by the petitioner is a magnificent development. However, Mr. Storrs believes it is a disservice to the citizens of Troy and to the developer to continue the discussions when the proposed plan nearly doubles the density allowed on the property. Mr. Storrs said the proposed plan offers public benefits but in his mind, the public benefits do not come near to offsetting the amount of density. Mr. Storrs said that there probably is no one present who believes that 16 Mile Road is an underutilized avenue.

**MOTION FAILED** for a lack of a second.

**Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby tabled to the May 13, 2003 Regular Meeting.

**Yeas**

Kramer  
Littman  
Pennington  
Schultz  
Vleck  
Waller  
Wright

**Nays**

Storrs

**Absent**

Chamberlain

**MOTION CARRIED**

Mr. Storrs voted no for the reasons referenced in the previous failed motion.

Mr. Carlisle asked for a general direction in which to proceed with the review process.

Chairman Littman stated the item would be placed on the next study meeting for the opportunity to discuss the project and make a collective determination if the project meets PUD criteria.

A brief discussion followed with respect to suggestions to the petitioner that would assist the Commission with its review.

The Public Hearing remained open.

### **ZONING ORDINANCE TEXT AMENDMENTS**

12. **PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) –**  
**Article 39.00.00 Parking Screen Wall Waiver**

Mr. Savidant presented a review of the Parking Screen Wall Waiver zoning ordinance text amendment. The proposed amendment was initiated because of a practical problem at the Section 1 Golf Course with respect to the maintenance area parking lot. Mr. Savidant stated that City Management recommends amending the existing environmental provision of the ordinance that would essentially provide more landscaping in lieu of a wall in instances where the property line next to a residential district is 200 feet or more from an off-street parking area. Mr. Savidant said that he was informed by the Real Estate and Development Department that the Mead property is not officially a part of the Golf Course yet and the City at this time is not selling the property nor are there any specific plans for the property.

Discussion followed with respect to revising the distance between the property line and the off-street parking area, placing restrictions on the location of the landscape buffer within the designated distance, and including the term landscape berm.

Mr. Savidant reminded the Commission that this text amendment would affect all property in the City, not just the Section 1 Golf Course and the Mead property.

The Commission requested the Planning Department provide a scaled drawing of the affected area inclusive of the proposed landscape buffer and the Mead property.

### **PUBLIC HEARING OPENED**

No one was present to speak.

### **PUBLIC HEARING CLOSED**

There was brief discussion.

**Resolution**

Moved by Waller

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

*(Underlining, except for major section titles, denotes changes.)*

**39.00.00     ARTICLE XXXIX   ENVIRONMENTAL PROVISIONS****39.10.00     WALLS:**

**39.10.01     For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:**

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least **fifty (50) feet** between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer **or landscape berm** within the **fifty (50) foot** distance, in lieu of the required wall and **at a location to be determined by the Planning Commission**. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

Discussion followed with respect to determination of the property line, hypothetical situations involving the sale of the Mead property, whether the revised motion satisfies the existing problem at the Golf Course and further revisions to the text amendment.

It was the consensus of the Commission to table the proposed ordinance text amendment to give the Planning Department an opportunity to incorporate the recommended changes into the draft text.

### **Resolution**

Moved by Vleck

Seconded by Schultz

**RESOLVED**, that the Planning Commission hereby recommends that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be tabled to the April 22, 2003 Special/Study Meeting.

### **Yeas**

All present (8)

### **Absent**

Chamberlain

### **MOTION CARRIED**

Chairman Littman re-opened the Public Hearing for the April 22, 2003 Special/Study Meeting.

### **GOOD OF THE ORDER**

Mr. Storrs reminded everyone that the party for Mr. Starr sponsored by Mr. Chamberlain is this coming Saturday.

Ms. Lancaster complimented the Commission on their quality questions during tonight's meeting.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 11:15 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP  
Planning Director

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